

Chapter 9.36**INDECENT EXPOSURE****Sections:**

- 9.36.010** Legislative authorization.
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Section 9.36.010 Legislative authorization.

This chapter is adopted pursuant to Sections 318.5 and 318.6 of the Penal Code. All words used in this chapter which also are used in Sections 318.5 and 318.6 of the Penal Code are used in the same sense and mean the same as the same respective words used in Sections 318.5 and 318.6. (Ord. 4536 § 1 (part), 1978)

Section 9.36.020 Exposure by waiters, waitresses and entertainers.

A. No person shall, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages including, but not limited to, alcoholic beverages, for consumption on the premises of such establishment:

1. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
2. Expose any device, costume or covering, which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
3. Expose any portion of the female breast at or below the areola thereof.

B. A person shall be deemed to be a waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed. (Ord. 4536 § 1 (part), 1978)

Section 9.36.030 Exposure by performers in public.

No person shall, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view:

1. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region, or pubic hair region; or
2. Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
3. Expose any portion of the female breast at or below the areola thereof. (Ord. 4536 § 1 (part), 1978)

Section 9.36.040 Counseling or assisting.

No person shall cause, permit, procure, counsel or assist any person to expose or simulate exposure as prohibited in Sections 9.36.020 and 9.36.030 of this chapter. (Ord. 4536 § 1 (part), 1978)

Section 9.36.050 Exemption of theatrical establishments.

The provisions of this chapter shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances. (Ord. 4536 § 1, (part), 1978)

Section 9.36.060 Penalty.

A violation of any provision of this chapter shall be deemed a misdemeanor and shall be punishable in accordance with the provisions of Section 1.01.110. (Ord. 5258 § 9, 1985; Ord. 4536 § 1 (part), 1978)

Section 9.36.070 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this chapter which can be implemented without the invalid provision, clause or application and to this end the provisions and clauses of this chapter are declared to be severable. (Ord. 4536 § 1 (part), 1978)